

UNITED STATES DISTRICT COURT

for the

Western District of New York

Case No.

24 CV 6005

(to be filled in by the Clerk's Office)

SCOTT A. SARACINA

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v- See Attached

JURY TRIAL: Yes ☒ No ☐

Deborah A. Hachdiger

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

See Attached



COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

SCOTT B. SARACINA
Mr. Saracina
23514
Erie County Corr. Fac.
11581 WALDEN AVE
ALDEN N.Y. 14004
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Shield Number

Employer

Address

Deborah A. Haeddiges
J.S.C.
County Court (Erie)
1st Floor Part 9, 25 Delaware Ave
Buffalo N.Y. 14202
City State Zip Code

☒ Individual capacity☒ Official capacity

Defendant No. 2

Name

Job or Title (if known)

Shield Number

Employer

Address

Shiela O'Sullivan Thie
Court Stenographer
County Court (Erie)
1st Floor Part 9, 25 Delaware Ave
Buffalo N.Y. 14202
City State Zip Code

☒ Individual capacity☒ Official capacity

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Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

John J. Flynn
 Erie County District Attorney
 25 Delaware Ave
 Buffalo, N.Y. 14202
City State Zip Code

☒ Individual capacity☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City State Zip Code

☐ Individual capacity☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)**B.** Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st, 5th, 6th, 14th USCA

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

"See Attached"

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Erle County District Attorneys office, And Erie County Court, 25 Delaware Ave, Buffalo, NY 14202

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

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- C. What date and approximate time did the events giving rise to your claim(s) occur?

Starting in October 2020 til Date and on going

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attached

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Loss of Liberty, Property, Standing in
The Community, Years out of our Lives,
Mental anguish,

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Injunction - Temporary Restraining order (TRO)
Declaratory Relief, Money Damages, \$374.00 a
day per person, for each day incarcerated. By
The order of Deborah A. Haerdtiges. Plus, punitive
and Compensatory Monetary as a Jury See's Fit.

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VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Erle County Jail System

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes NOT APPLICABLE
☐ No
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes
☒ No
☐ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Judicial Conduct Commission, 400 Andrews St
Rochester, N.Y. 14604

2. What did you claim in your grievance?

Same as Complaint Here.

3. What was the result, if any?

Nothing To Date

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

Nov. 30th, 2023

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Scott Saracina
Scott Saracina
23514
Erie County Corr. Fac. 11581 Alden Ave
Alden *N.Y.* *14004*
City State Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

PART II, PAGE #4 of 11,

Defendant # 1, Deborah A. Haendiges, J.S.C.

Section 22 NYCRR 100.3; "A Judge shall perform the duties of judicial office *impartially and diligently*", Judge Deborah A. Haendiges has failed in all aspects, "intentionally" under the color of law to each of the plaintiffs described in the complaint.

Defendant # 2; Article 7-D, consolidated laws of new York Judiciary (2023); Court reporter Sheila O'Sullivan Thie, has in fact violated the laws of her position as an officer of the court. Article 7-D, 290; She has failed in her job to take accurate stenographic notes in violation of article 7-D, 295, of the full open court proceedings, Article 7-D, 301 To Witt, has failed to record and has intentionally altered transcripts of the court proceedings.

Defendant # 3; Erie County District Attorney, John J. Flynn; Every Attorney in the State of New York, Must take an oath as "Officers of the court", see Judiciary laws Article 15-466. Pursuant to 22NYCRR 3.8 Prosecutors are officers of the court and a prosecutor is bound by law to act "impartially" and to safeguard the rights of all *including the accused*. In this case and in this instance John J. Flynn, who's office has the responsibility of which Judge to each individual's case gets assigned to, is knowingly and intentionally assigning cases, that deal with and involve men accused by women of acts against the law solely to Judge Haendiges courtroom knowing that this Judge will in fact rule in favor of any asst. District Attorneys request or motion against a Defendant, and that Judge Haendiges is in fact discriminating against the male gender. John J. Flynn and all ADA's are well aware that in Judge Haendiges courtroom men are "guilty until proven innocent" a clear violation of all men's civil rights who stand before. (End of statement).

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SCOTT A. SARACINA, et al
Plaintiffs

-against-

COMPLAINT

DEBORAH A. HAENDIGES, J.S.C.
SHEILA O'SULLIVAN THIE
JOHN J. FLYNN, ERIE CO. DISTRICT ATTORNEY

BE IT KNOWN; Based on gender discriminatory practices against a certain class of people, "MEN" people of the "MALE" gender, The above listed individuals are in fact discriminating, "***under the color of law***" and in their professional and individual capacities as officers of the Erie County Court system as follows;

- 1) The majority of men - plaintiffs herein and that are before Deborah A. Haendiges are being remanded for years without being given a trial and are being held "hostage" **under the color of law** until they are forced to plead guilty under some type of plea bargain. Speedy trial or an obtainable bail is unheard of before Deborah A. Haendiges. This is being done by design, not by accident. Men, the Male gender are being treated as "**Guilty until proven innocent**" in Judge Haendiges courtroom, clearly a constitutional violation.
- 2) Defendants are told to "shut up" in Judge Haendiges courtroom and her demeanor clearly shows Her prejudices against the male gender.
- 3) When a Defendant does speak in her courtroom, his words are **not** being placed on the record by stenographer Sheila O'Sullivan Thie, and the record-transcripts themselves are being altered to read differently than what is actually being said in the courtroom by Attorneys and Defendants. Every accused person does in fact have a constitutional right to participate in his own defense, on the record, in open court, especially when that Defendants liberty is at stake, 1st, 5th, 6th & 14th USCA.

4) Judge Haendiges is threatening and in fact "[B]anning" Defendants from her courtroom for trying to speak in their own defense at the Defendants own hearing. This is a clear violation of the constitution, and is being done as a discriminatory practice against men **"under the color of law"**.

5) Court officers and Erie County Deputy Sherriffs are infact aware of Deborah A. Haendiges, J.S.C.' discriminatory practices against men, in favor of the female gender and are willing to testify to this fact. Judge Haendiges' dicriminatory practices are in fact an **"Open Secret"** through out the Erie County Court system and Erie County sheriffs Dept.

6) Defendants are being given Court time of 9:30 am, Being handcuffed to waist chains at 8:45 am and taken to the basement of the Erie County Courthouse and placed in a 15 x 25 ft court hold with 20 to 25 other people and made to stand til 11:00 am for Judge Haendiges to finally get on the bench and start her court hearings. defendants are not getting back to the holding center til after 1:00 pm. [A]ll this time is being spent in handcuffs and waist chains and is purposely being done to "punish" men and cause as much discomfort as possible to force the end result of forced plea's.

7) All Judge Haendiges' actions collectively as described herein show and prove that Deborah A. Haendiges, J.S.C., is Discriminating against men in favor of women with her own delusional, sadistic perversion of using her position as a County Court Judge to punish every male in her Courtroom, her actions are political to gain an advantage as tough on Domestic Violence cases, in unison with John J. Flynn, Erie County District Attorney and his ADA's for their political advantages as well and at the cost of "mens" lives, and **"under the color of law"**.

end of complaint

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

-----X
Scott A. Saracina, et al

plaintiffs

-against-

AFFIDAVIT

Civil Action No.

Deborah A. Haendiges, et al

Defendants
-----X

I, Scott A. Saracina being duly sworn according to the law depose and say that I am the lead Plaintiff in the above entitled proceeding, Scott A. Saracina, against, Deborah A. Haendiges, J.S.C.

1. That all listed Plaintiffs have in fact been discriminated against by the Defendant for being of the male gender and under the color of law.

2. That all allegations in the attached complaint are believed to be true and that all information gathered in the complaint is true to the best of my knowledge.

All information I have submitted in support of my request, is true and correct.

Date: 12-16-23

Notary

JOHN FLOWERS
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2024



Scott A. Saracina, Plaintiff